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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

BLACK MOUNTAIN EQUITIES, INC.,

Plaintiff,

-against-

PACIFIC GOLD CORP.,

Defendant.

Docket No. 2:12-cv-01285-KM-CLW

PACIFIC GOLD CORP.,

Counterclaim Plaintiff,

-against-

BLACK MOUNTAIN EQUITIES, INC., YA
GLOBAL INVESTMENTS, L.P., YORKVILLE
ADVISORS, LLC, TROY RILLO, and ADAM
BAKER,

Counterclaim Defendants.

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that on December 3, 2012, plaintiff and counterclaim defendant Black Mountain Equities, Inc. ("Black Mountain") and counterclaim defendants YA Global Investments, L.P. ("YAG"), Yorkville Advisors, LLC ("Yorkville"), Troy Rillo, and

Adam Baker (collectively, the “BME/YAG Parties”) shall apply to the Honorable Kevin McNulty, U.S.D.J., for an Order pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6) for dismissal of Counts Two through Seven of the Second Amended Counterclaims (Docket # 38) filed by defendant and counterclaim plaintiff Pacific Gold Corp. (“PCFG”).


PLEASE TAKE FURTHER NOTICE that, in support of this application, Black Mountain shall rely upon the Declaration of Thomas J. Fleming, and the exhibits annexed thereto, the Declaration of Troy Rillo, the accompanying Memorandum of Law, as well as on all other papers, certifications, and pleadings on file with the Court in this matter;

PLEASE TAKE FURTHER NOTICE that this Notice of Motion and all supporting papers are being filed with the Clerk of Court in which venue is laid, and that service of the within Notice of Motion and all supporting papers has been made in accordance with Fed. R. Civ. P. 5.; and

PLEASE TAKE FURTHER NOTICE that a proposed form of Order granting the relief requested is submitted herewith in accordance with the provisions of L. Civ. R. 7.1(e)

Dated: New York, New York
November 5, 2012

OLSHAN FROME WOLOSKY LLP

By: 
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